

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Land acquisition - Yeleru Reservoir Project - East Godavari District - Peddapuram Division -Yeleswaram Mandal, Lakkavaram Village, - Land acquired under Award No.12/88,dated.20.9.1988 for YRP - Land value enhanced in O.P.Nos. 135/94, 136/94, 137/94, 138/94, 139/94 & 140/94 - Appeals filed in A.S.Nos. 2503/99, 2669/99, 2563/99, 68/2000, 2540/99 & 2881/99 - Dismissed - Sanction of full / final decretal charges - Orders - Issued.

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IRRIGATION & CAD (PW.LA.I) DEPARTMENT

**G.O.Rt.No. 627**

**Date:19.8.2009**

Read the following

1. From the Collector & District Magistrate, East Godavari District,  
Lr.No. G1/1236/2009,dated.7.5.2009.
- 2.From the Chief Commissioner of Land A,A.P, Hyderabad,  
Letter No.SPR3/397/ 2003, dated.22.6.2009.

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**ORDER:-**

In the references read above, it has been reported that an extent of Ac.18.75 cts of G.Dry lands in S.No.101/2, situated in Lakkavaram village of Yeleswaram Mandal, were acquired under Award No. 12/88 by the Spl.Dy.Collector (LA), YRP, Unit-3, Peddapuram on 20.9.88 duly fixing the land value @ Rs.10,680/- per acre for dry lands (Ac.16.50) and Rs.5,000/- per acre for grazing lands (Ac.2.25 cts). At the request of the aggrieved land owners, the claims U/s 18 of L.A.Act were referred to the Civil Court. The Senior Civil Judge Court, Pithapuram after considering the reference pronounced decree and judgement in O.P.Nos. 135/94, 136/94, 137/94, 138/94, 139/94 & 140/94, dated. 29.4.1999. The Lower Court have enhanced the land value to Rs.50,000/- per acre and further, ordered that the claimants are not entitled to interest on the amounts of Solatium and Addl.Market Value.

2. Aggrieved by the Lower Court orders, the State preferred an Appeal against the order and decree dt.29.4.99. The Hon'ble High Court has granted interim stay with a direction to deposit half of the decretal amount. Accordingly, an amount of Rs.8,72,585/- have sanctioned and released vide G.O.Rt.No.377, dt.16.5.2001 towards half of the decretal amount. The Hon'ble High Court disposed of the Appeals on 27.9.2000 in A.S.Nos. 2503/99 and batch (in respect of O.P.Nos. 135/94, 136/94, 138/94, 139/94 and 140/94) and in A.S.No.2563/99 batch in respect of O.P.No.137/94 etc, by allowing the same in part and refixed the market value basing on the classification made by the LAO in award as follows and confirmed the decree of the lower court in all other aspects. The SLP (Civil) CC No.5736 - 5742/03 was filed and disposed by the Hon'ble Supreme Court of India.

3. The Collector & District Magistrate, East Godavari has requested Government to sanction and release an amount of Rs.18,337/- towards entire decretal amount to comply with the orders of Hon'ble Supreme Court of India in SLP CC.No.5736 - 5742/03 and High Court of A.P.,Hyderabad in A.S.Nos. 2503/99, 2669/99, 2563/99, 68/2000, 2540/99 & 2881/99 filed against O.P.Nos. 135/94, 136/94, 137/94, 138/94, 139/94 & 140/94. The Chief Commissioner of Land Administration,A.P., Hyderabad, has forwarded the proposal of the District Collector, East Godavari District and recommended the Government to sanction the amount.

(P.T.O)

4. Government have examined the matter carefully and hereby sanction for an amount of Rs.18,337/- ( Rupees Eighteen thousand Three hundred and Thirty Seven only)towards full / final decretal charges to comply with the orders of Hon'ble Supreme Court of India in SLP CC.No.5736 - 5742/03 and High Court of A.P.,Hyderabad in A.S.Nos. 2503/99, 2669/99, 2563/99, 68/2000, 2540/99 & 2881/99 filed against O.P.Nos. 135/94, 136/94, 137/94, 138/94, 139/94 & 140/94, subject to verification whether the reference under section 18 of the LA Act is made to the lower court after following all the guidelines / directions on the subject and in the case it is detected that Sec.18 reference was made contrary to the rules / guidelines issued by the Government /CCLA immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the ENC (Irr), VYPP as to the extent of land acquired. Further, the Collector should verify the calculations made by the LAO/RDO once again thoroughly with reference to the decree and instructions issued by the Govt/CCLA on the subject from time to time before depositing the amount in Civil Court, duly deducting the Income Tax as per rules in force.

5. The amount sanctioned in para (4) above shall be deditable to "4701 -COL on Major & Medium Irrigation - 01 Major Irrigation (Commercial) - M.H. 116 Y.R.Scheme - G.H.11 Normal State Plan - S.H (26) D&A Works - 530 Major Works - 532 Lands (Charged)". In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

6. The District Collector, East Godavari District, Kakinada shall follow the directions issued by the Hon'ble High Court on 30.4.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.Nos. 135/94, 136/94, 137/94, 138/94, 139/94 & 140/94, under Yeleru Reservoir Project for avoiding intervention of the middlemen.

7. The Engineer-in-Chief, Irrigation, Hyderabad shall take necessary steps for release of L.O.C.

8. This order issues with the concurrence of Finance (Works & Projects) Department vide their U.O.No.2962/F.7(A1)/09-1, dt.3.8.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAILENDRA KUMAR JOSHI  
PRINCIPAL SECRETARY TO GOVERNMENT

To,  
The District Collector,East Godavari, Kakinada.  
The Spl.Chief Secretary to Govt & CCLA.,A.P.,Hyderabad.  
The Engineer-in-Chief(Irr),Errumanzil,Hyderabad.  
The Revenue Divisional Officer,Peddapuram,E.G.Dist.  
The Director of Works Accounts, Hyderabad.  
The Joint Director of Works Accounts, Dowlaiswaram.  
The Accountant General, Andhra Pradesh, Hyderabad.

Copy to:-

The Finance (Works & Projects) Department  
Stock File / Spare copies  
In the file C.No.15697/L.A.I(A2)/2009.

//FORWARDED :: BY ORDER//

SECTION OFFICER